Applicants herein tentatively elect claims 9-18.

However, Applicant respectfully traverses the restriction requirement.

The Office has a fundamental misunderstanding of the claims of the present application, which has resulted in the application of the wrong test for determining whether the claims of this patent application claim separate and distinct inventions and/or are properly subject to restriction. Contrary to the Office's assertion, claims 1-8 are drawn to an apparatus while claims 9-18 are drawn to the method carried out by that apparatus. More specifically, claims 1 through 8 relate to an apparatus for encapsulating semiconductors, while claims 9-18 recite a method for encapsulating semiconductors. Accordingly, the alleged inventions 1 and 2 are not related as process of making and product so made as asserted by the Office. Thus, the test applied by the Office under MPEP § 806.05(f) pertaining to determining if a restriction requirement is proper when claims are related as process of making and product made, is inapplicable here.

The test in this case, where the two claim sets are related as process and apparatus for its practice, are set forth in MPEP § 806.05(e). Applicant cannot substantively address that test for an appropriate restriction requirement because Applicant does not know what the Office's position is with respect to that appropriate test.

However, there is one issue that Applicant can address preemptively should the Office respond to this traversal with another restriction requirement applying the proper test under MPEP § 806.05(e). Specifically, in addition to the requirement that the Office establish that an application claims two or more

independent or distinct inventions using the appropriate test (which test will depend on the specific relationship between the two claim sets), all restriction requirements regardless of the particular type of relationship between the two claim sets must also pass a second hurdle. Specifically, as set forth in MPEP § 803, in addition to establishing that the inventions are independent or distinct as claimed, the Office also must establish that there would be a serious burden on the Examiner. A serious burden on the Examiner may be prima facie shown if the Examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in MPEP § 808.02.

In the present case, there is no such burden since the two claims include very similar limitations. The invention relates to a method and apparatus for encapsulating semiconductor dies and other devices using stencil printing techniques. The primary novel feature is that the head of the stencil printing apparatus is angularly adjustable relative to the stencil and thus relative to the streets between the semiconductor dies so that the head can be adjusted to the optimal angle for filling both the vertical and the horizontal streets and minimize voids in the encapsulant. Both sets of claims are directed towards very similar, if not the same, invention(s). Applicant can see no reason why there would not be complete overlap of searching in connection with the two sets of claims.

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to

contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

Dated: 10.8.03

Theodore Naccarella
Registration No. 33,023
Synnestvedt & Lechner
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107
Telephone: (215) 923-4466
Facsimile: (215) 923-2189